IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.06.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE V. DHANAPALAN

WRIT APPEAL NO.752 of 2006
and WAMP.No.1538 of 2006

G. Ganesan .. Appellant

vs.

1. Chennai Metropolitan Development
   Authority, rep. by its
   Chief Executive Officer
   1, Gandhi Irwin Road, Egmore, Chennai 8.

2. M/s. A. Bond Strands Pvt. Ltd.,
   rep. by the Managing Director
   Ramalinga Raya Reddy, No.164, Developed Plots
   Perungudi, Chennai 600 096. .. Respondents

Writ Appeal filed under Clause 15 of the Letters of Patent against the order of the learned Judge Mr. Justice Elipe Dharma Rao, dated 31.03.2006 made in WPMP.No.37677 of 2005 and WVMP.No.240 of 2006 in W.P.No.34802 of 2005.

For appellant : Mr.S. Elamurugan
For respondents: Mr. A.L. Somayaji, Sr.counsel
for Ms. Dakshyanai Reddy for R.2

JUDGMENT

(Judgement of the Court was delivered by P. SATHASIVAM,J.)

The above writ appeal is directed against the order of the learned single Judge dated 31.03.2006 made in WPMP.No.37677 of 2005 & WVMP.No.240 of 2006 in Writ Petition No.34802 of 2005, in and by which the learned Judge, after finding that the writ petitioner has violated Condition Nos.3 and 5 of the Agreement dated 19.10.2004 and failed to deposit 25% of the amount, vacated the interim order granted earlier. Against which the writ petitioner has filed the present writ appeal.

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2. It is not in dispute that as per the terms of allotment, the allottee/petitioner has to deposit 25% of the cost of the plot, which comes to Rs.19,92,000/- towards initial deposit and the same has to be deposited within a period of 30 days on receipt of the allotment order. The said clause further makes it clear that failing which, it will automatically result in cancellation of the allotment. In view of the same and in the light of the admitted factual position that the petitioner / appellant has not deposited the entire 25%, viz., Rs.19,92,000/-, we are of the view that the learned Judge is perfectly right in vacating the interim order on the ground of non-compliance of the condition prescribed in the agreement dated 19.04.2004. Accordingly, we do not find any valid ground for interference; hence, the writ appeal fails and the same is dismissed. No costs. Connected WAMP., is also dismissed.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Chief Executive Officer
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Road
Egmore, Chennai 8.

Writ Appeal No.752 of 2006

MKJ(CO)
RVL 29.06.2006

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